S.B. CIVIL WRIT PETITION NO.1855/1996
(Executive Engineer, P.H.E.D. & Ors. Vs. Bal Kishan & Anr.)

Date of order :: 28.11.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.S.N. Tiwari, for the petitioners.
Mr.Vijay Mehta, for respondent No.1.

In this writ petition, petitioner Public Health Engineering Department has challenged the award dated 06th December, 1995 passed by the learned Judge, Labour Court, Jodhpur (Camp Mt. Abu) (Annexure-4), whereby the reference made by the appropriate Government with regard to adjudicating upon the validity of termination of services of the respondent workman was answered in favour of the workman and learned Judge, Labour Court passed an order for reinstatement of the respondent-workman while declaring his termination from service w.e.f. 11th February, 1988 illegal and in violation of Section 25F of the Industrial Disputes Act, 1947.

In this writ petition, the application filed under Section 226 (3) of the Constitution of India for vacating the ad interim order was rendered infructuous in view of the fact that respondent-

workman was reinstated in service by the petitioner Department.

Learned counsel for respondent No.1 workman while filing additional affidavit has brought to the notice of this Court that the department has regularized his services vide order dated 31st July, 2004. He has placed on record the said order.

I have perused the impugned award also.

In my opinion, the learned Labour Court has rightly arrived at the finding that at the time of terminating services of respondent-workman No.1, Section 25F of the Industrial Disputes Act was not followed, therefore, finding of learned Judge, Labour Court does not require any interference. It is also very important to observe that services of the respondent-workman have already been regularized by the department during pendency of this writ petition. Therefore, in effect, no dispute survives for adjudication in the writ petition.

Consequently, the writ petition is dismissed with no order as to costs.

[GOPAL KRISHAN VYAS],J.

A.K. Chouhan/-